

REMARKS

Claims 21-40 are pending in the application, and all the claims are rejected.

Claims 21, 29, 34, 37 and 40 have been amended. Support for the amendments can be found at least at Figure 1 and page 8, line 13 to page 9, line 6 of the present specification.

Response to Rejections under 35 U.S.C. § 102

Claims 21-24 and 26-40 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Park et al. (U.S. Patent No. 7,157,359)

Applicants respectfully traverse.

In a telephonic interview conducted on April 8, 2008, Examiner Chiu indicated that the rejections based on Park could be overcome by amending the independent claims of the present invention to clearly recite that the gate electrode of the present invention is directly in contact with the high dielectric constant insulating layer.

This would clearly distinguish the present invention over Park because the semiconductor device as disclosed in Park consists of a barrier metal layer sandwiched between the metal gate electrode and the high dielectric constant insulating layer. See at least Fig. 3(c) of Park. Therefore, the gate electrode and high dielectric constant insulating layer are clearly not in contact with each other.

Independent claims 21, 29, 34, 37 and 40 have been amended in accordance with the above. Therefore, Applicants respectfully submit that claims 21, 29, 34, 37 and 40 are now in condition for allowance. Furthermore, claims 22-24, 26-28, 30-33, 35-36, and 38-39 are patentable at least by virtue of their dependence from independent claims 21, 29, 34, 37 and 40.

Applicants therefore respectfully request reconsideration and withdrawal of the §102 rejection of claims 21-24 and 26-40.

Response to Rejections under 35 U.S.C. § 103

Claim 25 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Park.

Applicants respectfully traverse.

Applicants submit that claim 25 is patentable at least by virtue of its dependence from claim 21 and the arguments presented above in response to the §102 rejection.

Applicants therefore, respectfully request reconsideration and withdrawal of the rejection of claim 25.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

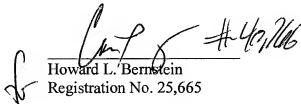
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Date: May 29, 2008


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